

2010-006035

Klamath County, Oregon



00084403201000060350100105

05/18/2010 02:17:34 PM

Fee: \$82.00

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 67345

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

### DOCUMENT:

Affidavit of Mailing /Copy of Trustees Notice of Sale

### ORIGINAL GRANTOR ON TRUST DEED:

Bill Escalle and Lois E. Cromwell

### ORIGINAL BENEFICIARY ON TRUST DEED:

Wells Fargo Bank, N.A

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE  
ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THE COVER  
SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT  
ITSELF

ATE 67345

When recorded mail to:

TD Service Company  
1820 E First St. #210  
Santa Ana, Ca 92711-1988

Reference number: 090800568/67345

Affidavit of Mailing

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DO NOT REMOVE

This is part of the official document

DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# F 504479

Date: 05/21<sup>10</sup>/10

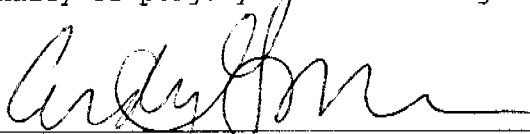
UNITED FINANCE  
P.O. BOX 1763  
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 1228 9600  
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA  
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.



Cindy Gasparovic

AFFIDAVIT OF MAILING  
BY FIRST CLASS MAIL

T.S.# F 504479

Date: 05/21<sup>10</sup>/10

STATE OF CALIFORNIA  
COUNTY OF ORANGE

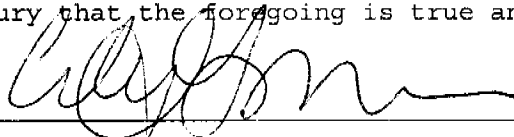
SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

UNITED FINANCE  
P.O. BOX 1763  
KLAMATH FALLS, OR 97601

I declare under penalty of perjury that the foregoing is true and correct.



Cindy Gasparovic

After recording Mail to

T.D. SERVICE COMPANY  
1820 E. FIRST ST., SUITE 210  
P.O. BOX 11988  
SANTA ANA, CA 92711-1988

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**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
AND ADDITIONAL DOCUMENTS AS ATTACHED.**

T.S. No: F504479 Unit Code: F

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

I, Cindy Gasparovic, being first duly sworn, depose, and say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of California a competent person over the age of eighteen years and not the beneficiary or his successor in interest and not a party to the within action.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, attached hereto.

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee of the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien of interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

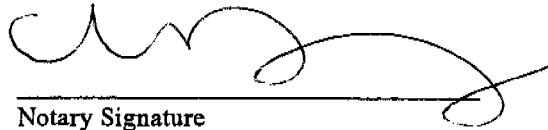
Each of the notices so mailed was certified to be a true copy of the original notice of sale by David Kubat, OSBA No. 84265, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States mail at Santa Ana, CA on 5/10/10. With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

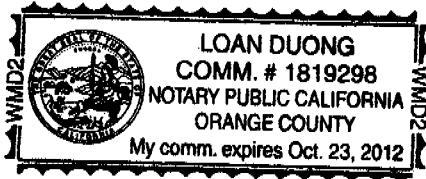
By: 

State of California     )  
County of ORANGE     )

Subscribed and sworn to (or affirmed) before me on this 10<sup>th</sup> day of May, 20 10, by  
Loan Duong  
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

  
Notary Signature

(Area for Notary Seal)



RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY  
1820 E. FIRST ST., SUITE 210  
P.O. BOX 11988  
SANTA ANA, CA 92711-1988

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## OREGON TRUSTEE'S NOTICE OF SALE



T.S. No: F504479 OR    Unit Code: F    Loan No: 0999230832/ESCALLE    Investor No: 161810876  
Title #: 090800568

Reference is made to that certain Trust Deed made by BILL ESCALLE, LOIS E. CROMWELL as **Grantor**, to WELLS FARGO BANK (ARIZONA), N.A. as **Trustee**, in favor of WELLS FARGO BANK, N.A. as **Beneficiary**.

Dated June 24, 1999, Recorded July 8, 1999 as Instr. No. --- in Book M99 Page 27433 of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:  
THE NE 1/4 OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 12 EAST OF THE WILLAMETTE  
MERIDAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

Both the beneficiary and the trustee have elected to sell the said real property. The property will be sold to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums:

8 PYMTS FROM 05/15/09 TO 12/15/09 @ 596.86	\$4,774.88
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Sub-Total of Amounts in Arrears:	\$4,774.88
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Together with any default in the payment of recurring obligations as they become due.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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T.S. No: F504479 OR Unit Code: F Loan No: 0999230832/ESCALLE Investor No: 161810876

The street or other common designation if any, of the real property described above is purported to be :  
450 OREGON PINE ROAD, BEATTY, OR 97621

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following, to wit: Principal \$69,418.20, together with interest as provided in the note or other instrument secured from 04/15/09, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on May 10, 2010, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS , County of KLAMATH, State of OREGON, (which is the date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

**\*\*Said Trustee Sale Has Been Postponed to September 7, 2010\*\***

Notice is further given that the right exists under O.R.S.86.753, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of in the Notice of Default, that is capable of being cured by tendering the performance required under the obligation of the Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.



T.S. No:

Loan No:

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

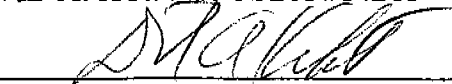
If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714)480-5690 or you may access sales information at [www.ascentex.com/websales/](http://www.ascentex.com/websales/).

DATED: 12.31-09

DAVID A. KUBAT, OSBA #84265

By



DAVID A. KUBAT, ATTORNEY AT LAW

**DIRECT INQUIRIES TO:**

**T.D. SERVICE COMPANY  
FORECLOSURE DEPARTMENT  
1820 E. FIRST ST., SUITE 210  
P.O. BOX 11988  
SANTA ANA, CA 92711-1988  
(800)843-0260**

T.S. No: F504479 OR

Loan#: 0999230832/ESCALLE

Free legal assistance:

Oregon Law Center

Portland: (503) 473-8329

Coos Bay: 1-800-303-3638

Ontario: 1-888-250-9877

Salem: (503) 485-0696

Grants Pass: (541) 476-1058

Woodburn: 1-800-973-9003

Hillsboro: 1-877-726-4381

<http://www.oregonlawcenter.org/>

and Oregon Law Help Site (providing more information and a directory of legal aid programs)

<http://oregonlawhelp.org/OR/index.cfm>

and Oregon State Bar Lawyer Referral Service

503-684-3763 or toll-free in Oregon at 800-452-7636

<http://www.osbar.org>

<http://www.osbar.org/public/ris/ris.html#referral>

and information on federal loan modification programs at:

<http://www.makinghomeaffordable.gov/>